

REMARKS

Applicants have carefully reviewed the Office Action mailed on April 27, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1, 14, and 43 are amended. Claims 46-47 are newly presented. No new matter is added. Claims 1-5, 8, 10, 12, 14, 17, 43, 44, and 46-47 are presented for examination.

Claim Objections

Claim 1 is objected to because of informalities. In particular, the Office Action indicated that a colon should follow “a balloon comprising”. Claim 1 is amended as suggested. Applicants respectfully submit that this amendment overcomes the objection.

Claim Rejections Under 35 U.S.C. §112

Claim 14 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action indicated that recitation of “the portions” could refer to a number of different portions in claim 14. Claim 14 is amended to recite that the body portion and the cone portion extend substantially the entire length of the balloon. Applicants respectfully submit that this amendment overcome the rejection.

Claim Rejections Under 35 U.S.C. §§102 and 103

Claims 1-5, 8, 10, 12, 14, 17, 43, and 44 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Ding et al. U.S. Patent No. 6,364,856. Applicants respectfully traverse the rejection.

Regarding claims 1-5, 8, 10, 12, 14, and 17, claim 1 is amended to recite that the second portion defines an outer surface of the balloon. The Office Action indicated that Ding et al. discloses a balloon (balloon 3) having a first portion (expandable portion 2) and a second portion (sponge coating 4). The cited art, however, does not appear to teach or suggest that the second portion (sponge coating 4) defines an outer surface of the balloon (balloon 3). Instead, the cited art discloses that “[t]he outer surface of the balloon 3 is covered

with a sponge coating". Col. 3, ll 38-40. Thus, the sponge coating 4 does not appear to define an outer surface of the balloon and, instead, it covers the outer surface of the balloon. Based on this distinction, Applicants respectfully submit that amended claim 1 is patentable over the cited art. Because claims 2-5, 8, 10, 12, 14, and 17 depend from claim 1, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claims 43 and 44, claim 43 is amended to recite that the first layer defines an inner surface of the balloon and that the second layer defines an outer surface of the balloon. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 43 as well as claim 44 depending therefrom from the cited art.

Conclusion

Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

Date: _____

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